

**REMARKS**

Applicants have carefully reviewed this application in light of the Office Action mailed January 29, 2007. Claims 2-7, 9-14, and 32-41 are pending in the Application. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

***Claim Rejections -- 35 U.S.C. § 103***

The Examiner rejected Claims 2, 5-7, 9, 12-14, 38-39, and 41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,141,597 issued to Botzko et al. ("*Botzko*") in view of U.S. Patent No. 6,453,470 issued to Gazda et al. ("*Gazda*").

**Independent Claim 38 and Dependent Claims 2-7 and 41**

Independent Claim 38 recites:

An apparatus for using a plurality of processors to support a media conference, comprising:

a mixing processor operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant; and

a first media transformation processor coupled to the mixing processor, the first media transformation processor operable to receive the output media information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant's end-user device,

wherein the mixing processor and the first media transformation processor are separate hardware components.

The Examiner's proposed combination of *Botzko* and *Gazda* does not disclose, teach, or suggest the apparatus of Claim 38. As the Examiner acknowledged in the latest Office Action, *Botzko* does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 38. (Office Action mailed 01/29/2007, at p. 3.) *Botzko* describes an audio processor 14'c which includes a mixer 28 to produce an uncompressed composite audio signal and a time compression encoder 29 to produce a corresponding compressed composite audio signal.

Col. 6, l. 46 - col. 7, l. 11. *Botzko* does not state that mixer 28 and encoder 29 are separate hardware components. Rather, *Botzko* describes them as blocks within a single audio processor 14'c. Moreover, audio processor 14'c is a part of bridge 12, which *Botzko* states "operates primarily in software." Col. 4, ll. 14-15. Thus, the block diagrams of Figures 2 and 3 illustrate functional blocks implemented in software—not separate hardware components. For these reasons, *Botzko* teaches away from the claimed invention.

*Gazda* also does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 38. *Gazda* describes a method and apparatus of detecting a hardware configuration in a digital terminal, such as a set-top television terminal, and selecting a corresponding executable software path to initialize the hardware. *Gazda* does not describe an apparatus for using a plurality of processors to support a media conference. *Gazda* never mentions a media conference, much less describes how to use several processors to support a single media conference.

According to the Examiner, "*Gazda* discloses a digital terminal comprising mixer and encoder are implemented as different hardware devices/components (col. 4, lines 28-61, col. 6, lines 24-54)." (Office Action mailed 01/29/2007, at p. 3.) However, the first passage cited by the Examiner (column 4, lines 28-61) simply describes a set-top television terminal that includes a single processor 220 and any number of unspecified "components." The passage does not describe mixers or encoders. The second passage cited by the Examiner (column 6, lines 24-54) is a set of claims directed to a set-top television terminal—not an apparatus for using a plurality of processors to support a media conference. Moreover, the claims do not even disclose that the television terminal includes more than one hardware component, much less that it specifically includes a mixer and an encoder. According to claim 11, the television terminal includes "at least one hardware component." Dependent claim 14 simply specifies that "the hardware component comprises one of a tuner, demodulator, decoder, encoder, and mixer." Thus, at most, *Gazda* discloses a television terminal that includes either a mixer or an encoder—not both as suggested by the Examiner. *Gazda* does not even describe how a mixer and encoder could operate together in a television terminal, much less how they could be used to support a media conference.

Furthermore, *Gazda* does not disclose, teach, or suggest either the mixing processor of Claim 38 or the first media transformation processor of Claim 38—much less that the two

components could be “separate hardware components,” as recited in Claim 38. According to Claim 38, the mixing processor is “operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant.” At most, *Gazda* mentions a “mixer” for use in a set-top television terminal. The mixer in *Gazda* is the not the mixing processor of Claim 38 because it is not “operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant,” as recited in Claim 38.

Similarly, *Gazda* does even disclose, teach, or suggest a first media transformation processor as recited in Claim 38. According to Claim 38, the first media transformation processor is “coupled to the mixing processor” and is “operable to receive the output media information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant’s end-user device.” At most, *Gazda* mentions an “encoder” for use in a set-top television terminal. The encoder in *Gazda* is the not the first media transformation processor of Claim 38 because it is not “operable to receive the output media information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant’s end-user device,” as recited in Claim 38. *Gazda* also does not state that the encoder is coupled to a mixing processor.

For at least these reasons, the Examiner’s proposed combination of *Botzko* and *Gazda* does not disclose, teach, or suggest the apparatus of Claim 38. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 38, as well as Claims 2-7 and 41 which depend from Claim 38.

Independent Claim 39 and Dependent Claims 9-14

Independent Claim 39 recites:

A method for using a plurality of processors to support a media conference, comprising:

mixing input media information associated with two or more first participants to generate output media information for communication to a second participant using a mixing processor;

communicating the output media information from the mixing processor to a first media transformation processor,

wherein the mixing processor and the first media transformation processor are separate hardware components;

encoding the output media information to generate an output data stream using the first media transformation processor; and

communicating the output data stream from the first media transformation processor to the second participant's end-user device.

The Examiner's proposed combination of *Botzko* and *Gazda* does not disclose, teach, or suggest the method of Claim 39. As the Examiner acknowledged in the latest Office Action, *Botzko* does not disclose, teach, or suggest the use of a "mixing processor" and a "first media transformation processor" that are "separate hardware components," as recited in Claim 39. (Office Action mailed 01/29/2007, at p. 3.) Claim 39 recites the steps "mixing input media information associated with two or more first participants to generate output media information for communication to a second participant using a mixing processor," "communicating the output media information from the mixing processor to a first media transformation processor, wherein the mixing processor and first media transformation processor are separate hardware components," and "encoding the output media information to generate an output data stream using the first media transformation processor." *Botzko* describes an audio processor 14'c which includes a mixer 28 to produce an uncompressed composite audio signal and a time compression encoder 29 to produce a corresponding compressed composite audio signal. Col. 6, l. 46 - col. 7, l. 11. *Botzko* does not state that mixer 28 and encoder 29 are separate hardware components. Rather, *Botzko* describes them as blocks within a single audio processor 14'c. Moreover, audio processor 14'c is a part of bridge 12, which *Botzko* states "operates primarily in software." Col. 4, ll. 14-15. Thus, the block diagrams of Figures 2 and 3 illustrate functional blocks implemented in software—not separate hardware components. For these reasons, *Botzko* teaches away from the claimed invention.

*Gazda* also does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 38. *Gazda* describes a method and apparatus of detecting a hardware configuration in a digital terminal, such as a set-top television terminal, and selecting a corresponding executable software path to initialize the hardware. *Gazda* does not describe an apparatus for

using a plurality of processors to support a media conference. *Gazda* never mentions a media conference, much less describes how to use several processors to support a single media conference.

According to the Examiner, “*Gazda* discloses a digital terminal comprising mixer and encoder are implemented as different hardware devices/components (col. 4, lines 28-61, col. 6, lines 24-54).” (Office Action mailed 01/29/2007, at p. 3.) However, the first passage cited by the Examiner (column 4, lines 28-61) simply describes a set-top television terminal that includes a single processor 220 and any number of unspecified “components.” The passage does not describe mixers or encoders. Moreover, the second passage cited by the Examiner (column 6, lines 24-54) is a set of claims directed to a set-top television terminal—not an apparatus for using a plurality of processors to support a media conference. Moreover, the claims do not even disclose that the television terminal includes more than one hardware component, much less that it specifically includes a mixer and an encoder. According to claim 11, the television terminal includes “at least one hardware component.” Dependent claim 14 simply specifies that “the hardware component comprises one of a tuner, demodulator, decoder, encoder, and mixer.” Thus, at most, *Gazda* discloses a television terminal that includes either a mixer or an encoder—not both as suggested by the Examiner. *Gazda* does not even describe how a mixer and encoder could operate together in a television terminal, much less how they could be used to support a media conference.

Furthermore, *Gazda* does not disclose, teach, or suggest either the mixing processor of Claim 39 or the first media transformation processor of Claim 39—much less that the two components could be “separate hardware components” as recited in Claim 39. According to Claim 39, the mixing processor is using to “mix[] input media information associated with two or more first participants to generate output media information for communication to a second participant,” At most, *Gazda* mentions a “mixer” for use in a set-top television terminal. The mixer in *Gazda* is the not the mixing processor of Claim 39 because it is not used to “mix[] input media information associated with two or more first participants to generate output media information for communication to a second participant,” as recited in Claim 39.

Similarly, *Gazda* does even disclose, teach, or suggest a first media transformation processor as recited in Claim 39. Claim 39 recites “communicating the output media information from the mixing processor to a first media transformation processor, wherein the

mixing processor and the first media transformation processor are separate hardware components,” “encoding the output media information to generate an output data stream using the first media transformation processor,” and “communicating the output data stream from the first media transformation processor to the second participant’s end-user device.” At most, *Gazda* mentions an “encoder” for use in a set-top television terminal. The encoder in *Gazda* is the not the first media transformation processor of Claim 39 because *Gazda* does not disclose communicating output media information from a mixing processor to the encoder of *Gazda*, does not disclose encoding the output media information to generate an output data stream using the encoder of *Gazda*, and does not disclose communicating the output data stream from the encoder of *Gazda* to a participant’s end-user device.”

For at least these reasons, the Examiner’s proposed combination of *Botzko* and *Gazda* does not disclose, teach, or suggest the method of Claim 39. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 39, as well as Claims 9-14 which depend from Claim 39.

### ***Claim Rejections -- 35 U.S.C. § 103***

#### **Dependent Claims 3-4 and 10-11**

The Examiner rejected Claims 3-4 and 10-11 under 35 U.S.C. § 103 as being unpatentable over *Botzko* in view of *Gazda* and in further view of U.S. Patent No. 5,793,415 issued to Gregory, III et al. (“*Gregory*”). As discussed above, *Botzko* and *Gazda* fail to disclose the mixing processor and first media transformation processor of independent Claims 38 and 39, and thus, Claims 3-4 and 10-11, which depend from independent Claims 38 and 39, are allowable for at least the reasons discussed above.

#### **Independent Claims 40 and Dependent Claims 33-37**

The Examiner rejected Claims 33, 35-37, and 40 under 35 U.S.C. § 103 as being unpatentable over *Botzko* in view of *Gazda* and in further view of U.S. Patent No. 5,020,098 issued to Celli (“*Celli*”).

Independent Claim 40, as amended, recites:

A system for using a plurality of processors to support a media conference, comprising:

a plurality of end-user devices coupled to a data network and operable to generate input media information, to

encode the input media information to generate input data streams, and to communicate the input data streams using the data network; and

a conferencing device coupled to the data network, the conferencing device comprising:

a mixing processor operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant; and

a first media transformation processor coupled to the mixing processor, the first media transformation processor operable to receive the output media information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant's end-user device.

wherein the mixing processor and the first media transformation processor are separate hardware components.

The Examiner's proposed combination of *Botzko*, *Gazda*, and *Celli* does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 40. As the Examiner acknowledged in the latest Office Action, the combined system of *Botzko* and *Celli* does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 40. (Office Action mailed 01/29/2007, at p. 13.) *Botzko* describes an audio processor 14'c which includes a mixer 28 to produce an uncompressed composite audio signal and a time compression encoder 29 to produce a corresponding compressed composite audio signal. Col. 6, l. 46 - col. 7, l. 11. *Botzko* does not state that mixer 28 and encoder 29 are separate hardware components. Rather, *Botzko* describes them as blocks within a single audio processor 14'c. Moreover, audio processor 14'c is a part of bridge 12, which *Botzko* states "operates primarily in software." Col. 4, ll. 14-15. Thus, the block diagrams of Figures 2 and 3 illustrate functional blocks implemented in software—not separate hardware components. For these reasons, *Botzko* teaches away from the claimed invention.

*Gazda* also does not disclose, teach, or suggest a "mixing processor" and a "first media transformation processor" that "are separate hardware components," as recited in Claim 40. *Gazda* describes a method and apparatus of detecting a hardware configuration in a digital terminal, such as a set-top television terminal, and selecting a corresponding executable software path to initialize the hardware. *Gazda* does not describe an apparatus for

using a plurality of processors to support a media conference. *Gazda* never mentions a media conference, much less describes how to use several processors to support a single media conference.

According to the Examiner, “*Gazda* discloses a digital terminal comprising mixer and encoder are implemented as different hardware devices/components (col. 4, lines 28-61, col. 6, lines 24-54).” (Office Action mailed 01/29/2007, at p. 13.) However, the first passage cited by the Examiner (column 4, lines 28-61) simply describes a set-top television terminal that includes a single processor 220 and any number of unspecified “components.” The passage does not describe mixers or encoders. Moreover, the second passage cited by the Examiner (column 6, lines 24-54) is a set of claims directed to a set-top television terminal—not an apparatus for using a plurality of processors to support a media conference. Moreover, the claims do not even disclose that the television terminal includes more than one hardware component, much less that it specifically includes a mixer and an encoder. According to claim 11, the television terminal includes “at least one hardware component.” Dependent claim 14 simply specifies that “the hardware component comprises one of a tuner, demodulator, decoder, encoder, and mixer.” Thus, at most, *Gazda* discloses a television terminal that includes either a mixer or an encoder—not both as suggested by the Examiner. *Gazda* does not even describe how a mixer and encoder could operate together in a television terminal, much less how they could be used to support a media conference.

Furthermore, *Gazda* does not disclose, teach, or suggest either the mixing processor of Claim 40 or the first media transformation processor of Claim 40—much less that the two components could be “separate hardware components” as recited in Claim 40. According to Claim 40, the mixing processor is “operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant.” At most, *Gazda* mentions a “mixer” for use in a set-top television terminal. The mixer in *Gazda* is not the mixing processor of Claim 40 because it is not “operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant,” as recited in Claim 40.

Similarly, *Gazda* does even disclose, teach, or suggest a first media transformation processor as recited in Claim 40. According to Claim 40, the first media transformation processor is “coupled to the mixing processor” and is “operable to receive the output media



information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant's end-user device." At most, *Gazda* mentions an "encoder" for use in a set-top television terminal. The encoder in *Gazda* is not the first media transformation processor of Claim 40 because it is not "operable to receive the output media information from the mixing processor, to encode the output media information to generate an output data stream, and to communicate the output data stream to the second participant's end-user device," as recited in Claim 40. *Gazda* also does not state that the encoder is coupled to a mixing processor.

For at least these reasons, the Examiner's proposed combination of *Botzko*, *Gazda*, and *Celli* does not disclose, teach, or suggest the system of Claim 40. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 40, as well as Claims 33-37 which depend from Claim 40.

#### Dependent Claims 34

The Examiner also rejected Claims 34 under 35 U.S.C. § 103 as being unpatentable over *Botzko* in view of *Celli*, and in further view of *Leondires*. As discussed above, *Botzko*, *Gazda*, and *Celli* fail to disclose the mixing processor and first media transformation processor of independent Claim 40, and thus, Claim 34, which depends from independent Claim 40, is allowable for at least the reasons discussed above.

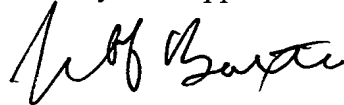
**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of pending Claims 2-7, 9-14, and 33-41. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fees are due. However, the Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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